

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

John Byrd,) Civil Action No. 8:05-cv-2069-HMH-BHH
Plaintiff,)
vs.) **REPORT OF MAGISTRATE JUDGE**
John Ozmint, Director SC Dept. of)
Corrections,)
Defendants.)

)

The plaintiff is proceeding in this action *pro se*. He is seeking relief pursuant to Title 42, United States Code, Section 1983. The plaintiff filed a motion for summary judgment on September 15, 2005. Upon review of that motion, the Court finds that the plaintiff has not met his burden under Fed. R. Civ. P. 56 to produce admissible evidence demonstrating that no genuine issues of fact remain.

It is, therefore, recommended that the plaintiff's motion for summary judgment be DENIED.

s/Bruce H. Hendricks
United States Magistrate Judge

June 16, 2006
Greenville, South Carolina